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CITY AND COUNTY OF SAN FRANCISCO, ET AL.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHERRY LYNN MEANS,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, DEPARTMENT OF PUBLIC  
HEALTH; and DOES 1 through 25,

Defendants.

Case No. CV 09-0941TEH

**DEFENDANT'S *EX PARTE* APPLICATION TO  
CONTINUE PRETRIAL DEADLINES DUE TO  
WITHDRAWAL OF PLAINTIFF'S COUNSEL  
AND ~~PROPOSED~~ ORDER**

Trial Date: November 2, 2010

Defendant City and County of San Francisco hereby submits this ex parte application to continue pretrial deadlines because Plaintiff's attorney Curtis G. Oler has informed defense counsel that he intends to file a motion to withdraw as Plaintiff's counsel in this matter. At Mr. Oler's request, defense counsel has agreed to stipulate to Mr. Oler's application for an order shortening time to hear his Motion to Withdraw. Mr. Oler informed defense counsel that he plans to file such a request by Friday, October 8, 2010.

Trial in this matter is set for November 2, 2010. The Pretrial Conference is scheduled for October 18. While Defendant is prepared to proceed to trial as scheduled, the Court's Order for

1 Pretrial Preparation requires the parties to meet and confer and reach agreement regarding several  
2 matters and to file a Joint Pretrial Conference Statement and proposed jury instructions by tomorrow  
3 (Friday) October 8, 2010. The Court's Order also requires counsel to meet and confer regarding  
4 Motions in Limine and to file any such motions by October 12, 2010 (21 calendar days before the  
5 scheduled trial date).

6 This past Wednesday, October 6, the parties participated in a settlement conference with  
7 Magistrate Judge James Larson. At that conference, Judge Larson informed defense counsel that a  
8 dispute had arisen between Plaintiff and Mr. Oler and that Mr. Oler planned to withdraw as Plaintiff's  
9 counsel. On Thursday, October 7, Mr. Oler confirmed his intention to withdraw during a telephone  
10 conversation with defense counsel Ruth M. Bond. Because Plaintiff's counsel is in the process of  
11 withdrawing his representation, the parties are unable to comply with the Court's Order for Pretrial  
12 Preparation.

13 Defendant respectfully requests that the pretrial deadlines be continued to dates after the Court  
14 has considered Plaintiff counsel's Motion to Withdraw.

15 Dated: October 7, 2009

Respectfully submitted,

16 DENNIS J. HERRERA  
17 City Attorney  
18 ELIZABETH SALVESON  
19 Chief Labor Attorney  
RUTH M. BOND  
Deputy City Attorney

20 By \_\_\_\_\_/s/  
21 RUTH M. BOND

22 Attorneys for Defendants  
23 CITY AND COUNTY OF SAN FRANCISCO,  
24 ET AL.  
25  
26  
27  
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1 The Court has considered Defendant's *Ex Parte* Application to Continue Pretrial Deadlines and  
2 good cause having been shown, it is **SO ORDERED** that the new pretrial deadlines are ~~as follows:~~  
3 ~~VACATED until further order of the Court.~~

4 ~~Joint Pretrial Conference Statement: October \_\_, 2010~~

5 ~~Motions In Limine: October \_\_, 2010~~

6 ~~Pretrial Conference: October \_\_, 2010~~

7 Dated: October .8., 2010

